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4 Attorney for Plaintiff

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6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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10 MILTON LIZAMA,

Plaintiff,

11 vs.

12 EQUIFAX INFORMATION
13 SERVICES,

Defendant.

No. CV-S-

JURY DEMANDED

14
15 COMPLAINT

16 JURISDICTION

17 1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C.
18 Section 1681(p), and the doctrine of supplemental jurisdiction. Venue lies in the
19 Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts
20 of the Defendant(s) perpetrated therein.

21 PRELIMINARY STATEMENT

22 2. The Plaintiff brings this action for damages based upon Defendants'
23 violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 *et seq.* (hereinafter referred
24 to as "FCRA"), and of state law obligations brought as supplemental claims.

25 3. Plaintiff is a natural person and is a resident and citizen of the State of
26 Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of
27 the FCRA.
28

1 4. The Defendant EQUIFAX INFORMATION SERVICES, ("Equifax"), is
2 a corporate entity licensed to do business in the State of Nevada.

3 5. Equifax is a consumer reporting agency, as defined in § 1681(f) of the
4 FCRA, regularly engaged in the business of assembling, evaluating, and dispersing
5 information concerning consumers for the purpose of furnishing consumer reports, as
6 defined in § 1681a(d) of the FCRA, to third parties.

7 FACTUAL ALLEGATIONS

8 6. Plaintiff's creditworthiness has been repeatedly compromised by the acts,
9 obduracy and general indifference of the Defendant.

10 7. Plaintiff is a forgery victim.

11 8. During April 2003, Plaintiff's signature was forged on a vehicle sales contract
12 subsequently assigned to Triad Financial Corporation (TFC).

13 9. TFC had reported the fraudulent account as both a repossession and a
14 \$9,600.00 charge-off.

15 10. On October 15, 2004, Plaintiff disputed TFC's reporting with Defendant
16 (Exhibit 1).

17 11. In Exhibit 1, Plaintiff advised Defendant of the fraud and the disparity in the
18 interest rates between the original contract (4.85%) and the fraudulent contract assigned
19 to TFC (17%).

20 12. Plaintiff provided Defendant copies of the contracts.

21 13. On October 29, 2004 Defendant verified the \$9,600.00 charge-off (Exhibit 2).

22 14. Plaintiff's June 21, 2005 profile reflects Defendant's continued reporting of the
23 fraudulent TFC account (Exhibit 3).

24 STATEMENT OF CLAIM AS AGAINST DEFENDANT

25 15. In the entire course of its action, Defendant willfully and/or negligently
26 violated the provisions of the FCRA in the following respects:

27 ///

28 ///

- 1 a. By willfully and/or negligently failing, in the preparation of the
2 consumer reports concerning Plaintiff, to follow reasonable
3 procedures to assure maximum possible accuracy of the information
4 in the reports.
- 5 b. By willfully and/or negligently failing to comport with FCRA
6 § 1681i.

7 PRAYER FOR RELIEF

8 THEREFORE, Plaintiff prays that the court grant the following relief as against
9 Defendant:

- 10 a. actual damages;
11 b. punitive damages;
12 c. attorney's fees; and
13 d. costs.

14 Respectfully submitted,

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16 
17 MITCHELL D. GLINER, ESQ.
18 Nevada Bar #003419
19 3017 West Charleston Boulevard
20 Suite 95
21 Las Vegas, Nevada 89102
22 Attorney for Plaintiff
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FILE COPY

October 15, 2004

Equifax
P.O. Box 740256
Atlanta, GA 30374

Dear Sir or Madame:

I am writing to dispute the following information in my file. The item I dispute is also circled on the attached copy of the report I received. I dispute the Triad Financial Corp. automobile repossession and balance due report.

This item is inaccurate because my signature was forged on the contract assigned to Triad Financial. Enclosed is a copy of the vehicle sales contract at 17% APR assigned to Triad Financial by Auto Tech dated April 17, 2003 showing me as the sole purchaser of the vehicle which is for the referenced account. That is not my signature on that contract.

Also enclosed is a copy of a vehicle sales contract at 4.850% APR also dated April 17, 2003 showing myself and Jorge Escalon-Melgar as co-purchasers, which is the contract I thought was correct. So far as I know, Triad Financial was not assigned this contract.

Please reinvestigate this matter and delete the disputed item as soon as possible.

Sincerely,



Milton Lizama

cc: Triad Financial Corp.

EXHIBIT /

P. O. Box 105518
Atlanta, GA 30348

010995



000471180-10995
Milton Lizama
5020 Killamey St
Las Vegas, NV 89122-6807

EQUIFAX
CREDIT FILE : October 29, 2004
Confirmation # 4299051118

EXHIBIT 2

Dear Milton Lizama:

Equifax has now completed the reinvestigation you requested of certain information in your Equifax credit file. The results of our reinvestigation of these items are below.

Credit Account Information (For your security, the last 4 digits of account number(s) have been replaced by *) (This section includes open and closed accounts reported by credit grantors)			
Account History	1 : 30-59 Days Past Due 2 : 60-89 Days Past Due 3 : 90-119 Days Past Due 4 : 120-149 Days Past Due	5 : 150-179 Days Past Due 6 : 180 or More Days Past Due G : Collection Account H : Forclosure	J : Voluntary Surrender K : Repossession L : Charge Off

The Results of Our Reinvestigation

Account Number	Triad Financial	7755 Center Ave # 1190, Huntington Beach, CA 92647-3007	Account Number	Triad Financial	7755 Center Ave # 1190, Huntington Beach, CA 92647-3007
4000015001011*	Amount	\$0	4000015001011*	Amount	\$0
Items As of Balance	Date Reported	10/2004	Items As of Balance	Date Reported	10/2004
Amount	\$0		Amount	\$0	
Actual Payment	\$0		Actual Payment	\$0	
Date of Last Payment	04/2004		Date of Last Payment	04/2004	
Scheduled Payment	\$498		Scheduled Payment	\$498	
Terms Duration	60 Months		Terms Duration	60 Months	
Date of Last Activity	02/2004		Date of Last Activity	02/2004	
Date Maj. Del. 1st Ppd			Date Maj. Del. 1st Ppd		
Charge Off Amount	\$0		Charge Off Amount	\$0	
Deferred Pay Start Date			Deferred Pay Start Date		
Balloon Pay Amount	\$0		Balloon Pay Amount	\$0	
Balloon Pay Date			Balloon Pay Date		
Date Closed			Date Closed		

Current Status - Charge Off; Type of Account - Installment; Type of Loan - Auto; Whose Account - Individual Account;

>>> We have researched the credit account. Account # - 4000015001011* The results are: Equifax verified that this item belongs to you. Additional information has been provided from the original source regarding this item. If you have additional questions about this item please contact: *Triad Financial, 7755 Center Ave # 1190, Huntington Beach CA 92647-3007*

If you have any additional questions regarding the information provided to Equifax by the source of any information, please contact the source of that information directly.

You may contact Equifax regarding the specific information contained in this letter within the next 60 days by visiting us at www.investigate.equifax.com or by calling a Customer Service Representative at (888) 661-5352 from 9:00am to 5:00pm M - F in your time zone.

Thank you for giving Equifax the opportunity to serve you.

(Continued On Next Page)

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4299051118APP-000471180-10995-13624 - AS

CREDIT FILE : June 21, 2005

Confirmation # 5172002078

Personal Identification Information (This section includes your name, current and previous addresses, and any other identifying information reported by your creditors.)

Name On File: Milton Lizama
 Social Security #: XXX-XX-7933 Date of Birth: October 1, 1965
 Current Address: 5020 Killamey St, Las Vegas, NV Reported: 04/2002
 Previous Address(es): 1368 Pattee Cir Apt D, Las Vegas, NV 89119 Reported: 06/2001
 1272 Fraya Dr Apt C, Las Vegas, NV 89119 Reported: 07/2000
ALERT(s): File Blocked For Promotional Purposes

Please address all future correspondence to:

www.investigate.equifax.com

Equifax Information Services LLC

P.O. Box 105314

Atlanta GA 30348

Phone: (800) 641-0501

M - F 9:00am to 5:00pm in your time zone.

In order to speak with a Customer Service Representative regarding the specific information contained in this credit file, you must call WITHIN 60 DAYS of the date of this credit file AND have a copy of this credit file along with the confirmation number.

Collection Agency Information (This section includes accounts that credit grantors have placed for collection with a collection agency.)

Quantum Collections; Collection Reported 06/2005; Assigned 03/2003; Client - Las Vegas Athletic Club; Amount - \$741; Status as of 06/2005 - Unpaid; Date of 1st Delinquency 02/2003; Balance as of 06/2005 - \$636; Individual Account; Account # - 356149252; Address: PO Box 4177 North Las Vegas NV 89036-4177; (702) 649-2342

Credit Account Information

(For your security, the last 4 digits of account number(s) have been replaced by *) (This section includes open and closed accounts reported by credit grantors)

Account Column Title Descriptions:

Account Column Title Descriptions:				Amount Past Due - The Amount Past Due as of the Date Reported			
Account Number - The Account number reported by credit grantor				Date of Last Payment - The Date of Last Payment			
Date Acct. Opened - The Date that the credit grantor opened the account				Actual Pay Amt - The Actual Amount of Last Payment			
High Credit - The Highest Amount Charged				Sched Pay Amt - The Requested Amount of Last Payment			
Credit Limit - The Highest Amount Permitted				Date of Last Activity - The Date of the Last Account Activity			
Terms Duration - The Number of Installments or Payments				Date Maj Delq Rptd - The Date the 1st Major Delinquency Was Reported			
Terms Frequency - The Scheduled Time Between Payments				Charge Off Amt - The Amount Charged Off by Creditor			
Months Reviewed - The Number of Months Reviewed				Deferred Pay Date - The 1st Payment Due Date for Deferred Loans			
Activity Description - The Most Recent Account Activity				Balloon Pay Amt - The Amount of Final(Balloon) Payment			
Creditor Class - The Type of Company Reporting The Account				Balloon Pay Date - The Date of Final(Balloon) Payment			
Date Reported - The Month and Year of the Last Account Update				Date Closed - The Date the Account was Closed			
Balance Amount - The Total Amount Owed as of the Date Reported							
Account History							
Status Code							
Descriptions							
1 : 30-59 Days Past Due				J : Voluntary Surrender			
2 : 60-89 Days Past Due				K : Repossession			
3 : 90-119 Days Past Due				L : Charge Off			
4 : 120-149 Days Past Due							

Action Card Bank, 1st PO Box 723896, Atlanta GA 31135-0896

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Units Paid	Activity Description	Creditor Classification
423133301001*	12/2000	\$1,024	\$1,600		Monthly	53	Paid and Closed	
Items As of	Balance	Amount	Date of	Date of	Date of	Charge Off	Deferred Pay	Balloon Pay
Date Reported	Amount	Paid Due	Last Payment	Activity	Del. 1st Rptd	Amount	Start Date	Pay Date
05/2005	\$0		01/2004					01/2005

Current Status - Pays As Agreed; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Closed At Consumers Request;

(Continued On Next Page)

EXHIBIT

Retailers National Bank PO Box 673 Minneapolis MN 55440-0673
Account Number: 93202637*
Date Opened: 09/2004 High Credit Credit Limit: \$75 Terms Duration: 60 Months Terms Frequency: 9 Months Revd Activity Description: Creditor Classification:

Items As of	Balance	Amount	Date of	Actual	Scheduled	Date of	Date Mat.	Charge Off	Deferred Pay	Balloon Pay	Balloon	Date
Reported	Amount	Paid Due	Payment	Payment	Payment	Activity	1st Rpd	Amount	Start Date	Amount	Pay Date	Closed

Current Status - Pays As Agreed; Type of Account - Revolving; Type of Loan - Charge Account; Whose Account - Individual Account;
Tribal Financial 7711 Center Ave Ste 250 Huntington Beach CA 92647-3071
Account Number: 4000015001011*
Date Opened: 04/2003 High Credit Credit Limit: \$9,657 Terms Duration: 60 Months Terms Frequency: 12 Months Revd Activity Description: Creditor Classification:

Items As of	Balance	Amount	Date of	Actual	Scheduled	Date of	Date Mat.	Charge Off	Deferred Pay	Balloon Pay	Balloon	Date
Reported	Amount	Paid Due	Payment	Payment	Payment	Activity	1st Rpd	Amount	Start Date	Amount	Pay Date	Closed

Current Status - Charge Off; Type of Account - Installment; Type of Loan - Auto; Whose Account - Individual Account;

Inquiries that display to companies (may impact your credit score)
This section lists companies that requested your credit file. Credit grants may view these requests when evaluating your credit worthiness. Employment inquiries do not impact your credit.

Company Information	Inquiry Date(s)
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Wells Fargo Bank-Cbg 01/2005 08/2004
8b Disputes Department PO Box 5445 Portland, OR 97228-5445(877)
778-5697 Phone:(877) 778-5697

Gemb/Sant's Club 10/2004
2923 N Central Expy Ste 200 Richardson, TX 75080-2712

Chase/Circuit City 09/2004
225 Chastain Meadows Ct NW Kennesaw, GA 30144-5841

Retailers National Bank 09/2004
3701 Wayzata Blvd 2B-D Minneapolis, MN 55416-3401

Landamerica-NV::RMS & ASSOCIATES 12/2003
3311 S Jones Blvd Ste 213 Las Vegas, NV 89146-6776(702) 253-5770
Phone:(702) 253-5770

Actual Data::2901 VISION HOME MTG 11/2003
6135 W Sahara Ave Ste 8 Las Vegas, NV 89146-3024(702) 221-9196
Phone:(702) 221-9196

Gemb/JC Penney 10/2003
PO Box 27570 Card Band Of Ga Albuquerque, NM 87125-7570